



ND MISS. FORM P3, COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

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UNITED STATES DISTRICT COURT
~~NORTHERN~~ DISTRICT OF MISSISSIPPI
Southern

Rodney Miller & ~~Lora~~ Miller Tm
 Plaintiff

v.

CASE NO.

3:19cv 558 DPJ-FKB

Delta Correctional Facility Et Al
 Defendant

PRISONER'S COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT

1. The Plaintiff's full legal name, the name under which the Plaintiff was sentenced, the Plaintiff's inmate identification number, the Plaintiff's mailing address, and the Plaintiff's place of confinement are as follows:

A. Legal name: Rodney Miller
 B. Name under which sentenced: Rodney D. Miller
 C. Inmate identification number: 170403
 D. Plaintiff's mailing address (street or post office box number, city, state, ZIP): P.O. box 45528
Jxn ms 39282
 E. Place of confinement: Delta Correctional Facility

2. Plaintiff names the following person(s) as the Defendant(s) in this civil action:

Name: Delta Correctional Facility
 Title (Superintendent, Sheriff, etc.): 3800 Co Rd 540
 Defendant's mailing address (street or post office box number, city, state, ZIP) Greenwood ms 38930

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Name: MISS. SS: PPi Dept of Correction

Title (Superintendent, Sheriff, etc.): _____

Defendant's mailing address (street or post office box number, city, state, ZIP) 3021, 633 N. STATE ST.
JACKSON MS 39202Name: UNKNOWN OFFICER SP: VETTitle (Superintendent, Sheriff, etc.): CORR OFFICERDefendant's mailing address (street or post office box number, city, state, ZIP) 3800 CO RD 540
GREENWOOD MS 38930Name: UNKNOWN OFFICER'S

Title (Superintendent, Sheriff, etc.): _____

Defendant's mailing address (street or post office box number, city, state, ZIP) 3800 CO RD 540
GREENWOOD MS 38930

(If additional Defendants are named, provide on separate sheets of paper the complete name, title, and address information for each. Clearly label each additional sheet as being a continuation of Question 2).

3. Have you commenced other lawsuits in any other court, state or federal, dealing with or pertaining to the same facts that you allege in this lawsuit or otherwise relating to your imprisonment? ☐ Yes ☒ No

4. If you checked "Yes" in Question 3, describe each lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuit(s) on separate sheets of paper; clearly label each additional sheet as being a continuation of Question 4.

A. Parties to the lawsuit:

Plaintiff(s): _____

Defendant(s): _____

B. Court: _____

C. Docket No.: _____

D. Judge's Name: _____

E. Date suit filed: _____

F. Date decided: _____

G. Result (affirmed, reversed, etc.): _____

5. Is there a prisoner grievance procedure or system in the place of your confinement? ☒ Yes ☐ No
6. If "Yes," did you present to the grievance system the same facts and issues you allege in this complaint? (See question 9, below). ☒ Yes ☐ No
7. If you checked "Yes" in Question 6, answer the following questions:

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A. Does the grievance system place a limit on the time within which a grievance must be presented?

☒ Yes

☐ No

B. If you answered "Yes," did you file or present your grievance within the time limit allowed?

☒ Yes

☐ No

C. The court must find that you exhausted the prison's grievance system and administrative remedies before it can consider this Complaint. State everything you did to present your grievance(s). Be specific. Include the date(s) on which you filed or presented your grievances to prison officers; identify the officer(s). State your claim(s) exactly.

I made contact with my wife she made contact with the prison the warden came and took notes of what happen and all the facts was reported on Aug-9-2019

D. State specifically what official response your grievance received. If the prison provides an administrative review of the decision on your grievance, state whether you applied for that review and what the result was.

It was stated to me they are fully investigated the concern's and facts to my issues

Special Note: Attach to this Complaint as exhibits complete copies of all requests you made for administrative relief through the grievance system, all responses to your requests or grievances, all administrative appeals you made, all responses to your appeals, and all receipts for documents that you have.

8. If you checked "No" in Question 6, explain why you did not use the grievance procedures or system:

9. Write below, as briefly as possible, the facts of your case. Describe how each Defendant is involved. Write the names of all other persons involved. Include dates and precise places of events. Do not give any legal argument or cite any legal authority. If you have more than one claim to present, number each claim in a separate paragraph. Attach additional pages only if necessary; label attached pages as being continuations of Question 9.

On or About Aug-19-2019 I WAS sitting on my bed in B Zone building A113 B13pm when 3 other inmates enter the zone and begin to jump on me previous my wife made complaint about officer spivey who worked my tower and during the time the inmates came into my zone officer spivey's unknown officer's was working the tower it's clear that I WAS being retaliated by these officers due to reports he made officer spivey made several of remarks to me, others she told me "stick with his gay ASS" I want do anything to be assaulted under no way and the prison guards allowed this to happen to me I wasn't taken to medical for several hours until I made contact with my wife that's when some unknown Agent Davis come and take me to medical and ask what happen I was then taken to a lockdown building I wasn't there for disciplinary reasons I was confined to this cell 13 for 24 hours each day I stayed wasn't given a shower for days I wasn't provide air it was extremely hot I felt like I WAS passing out it was used on the floor I WAS done wrong abused neglected down this course

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It's not fair to me And I fear my safety doing this
 course of my life in the custody of MDOL. All

10. State briefly exactly what you want the court to do for you. Do not make legal arguments. Do not cite legal authority.

monetary damages \$50,000 Punitive damages Legal Fees
 Being paid by prison, officer Befired who practice wrong
 judgement doing my Abuse consent damages,
 pay Any medical Bills that will be caused due to this
 trauma I've caused And unknown damages that MAY or MY not
 be Added during the course of this Action

This Complaint was executed at (location):

3527 Ridgcrest Dr. Jackson MS 39212

and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct.

Date:

8-10-2019

Rodney Miller

Plaintiff's Signature

Yo: mississippi Department of Corrections

Attn: Christy Gutherz

cc: Dir Sean Smith

RE: Yo Administrative Concerns

I Torey Miller the wife of Inmate Rodney D. Miller #170403 is writing you asking that the proper remedy is brought from the assault that happen on Aug 8-9-2019 within Greenwood MS at one of the mississippi Department Corr. Facility which was at "Delta Corr. Facility" C Building D Zone Apprx 12:15pm as Rodney D. Miller #170403 was within the care of the Department of Corr. At time this "incident" occurred "as it is extremely CLEAR that Department of Corr. officer partake into actions and "shameful behavior" which is a direct violation as to policy's set out Rodney Miller #170403 has expressed that he wish to bring criminal charges against all that is "involved" as that is his right to due so has "Due Process" Allow such I have reported these actions as the Administrative of mdoc has begun the basic begining process of there "Investigation" It willnt rest my nor Rodney Miller concerns if charges hasnt been filed as how set out a criminal charge for the action of this officer & the 3 inmates that are among Larry Rodney Miller #170403 wasnt placed into mississippi Dept of Corrections care to be neglected an anyway he hasnt done anything wrong and further I assure he willnt do anything wrong intill he is released from the care of MS Dept of Corrections The family will carryout there right to bring legal action because of the actions of the officer who clearly aided & abided into such action I deeply concern for his safety at the hands of the facility located within the city of Greenwood MS operated by the mississippi Department of Correctional Mr Rodney D. Miller is under jochn's of completion of the orders of the members of MS Parole Board I have been within direct communication with Mrs Gutherz who is Dir of Community Corr with the MS Dept of Corr as she has replied to all emails at times that should be within her personal time which speaks well of how she respect her duty's as I'm fully aware this type of behavior of anyone rather they are and inmate or personal as I bring this letter to a end it is asked that we your Department used proper judgement doing this course of the distress that Rodney D. Miller and the family have gotten from the actions on 8-9-2019

I Have & will be bringing a legal action

Exhibit A

And will provide the Department of the Auditor in summary that this has happen
 But if make Explains we can set forth A Image That This Don't happen Again
 Are They can get what the Administrative Policy Allow I'm requesting That All
 Rodney D. Miller #170203 Records that relate to this Incident be sealed/separated
 Should you will need the need to follow-up with me I can be reached
 As Followed Email Address FoxshamekA6@gmail.com via Phone 601-500-1688

Sincerely yours

Torey C. Smith

Torey C. Smith

Signature of Writer

8.12.19

Date

State of Mississippi Count of Hinds I, Evangeline Moser, a Notary Public
 of Said County,

Do Certify That The Foregoing Instrument Was Acknowledged Before me on the
12th day of August, 2019

Given under my hand this 12 day of August, 2019

My Commission Expires:

12-20-2020

Date

Evangeline Moser

Signature of Notary Public

